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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

Case No. 17-cv-0939-WHA

**DECLARATION OF MARTHA BOERSCH
IN SUPPORT OF NON-PARTY RICHARD
JACOBS' MOTION FOR
ADMINISTRATIVE RELIEF TO FILE
PORTIONS OF THE DECLARATION OF
MARTHA BOERSCH IN SUPPORT OF
MOTION FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION AND
ATTACHED EXHIBIT UNDER SEAL**

1. I, MARTHA BOERSCH, am an attorney licensed to practice law before the courts of the State of California and this Court. I make this declaration in support of Non-party Richard Jacobs' Motion for Administrative Relief to File Portions of the Declaration of Martha Boersch In Support of Motion for Leave to File Motion for Reconsideration and Attached Exhibit Under Seal. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Mr. Jacobs seeks to file portions of paragraph two of the Declaration of Martha Boersch In Support of Motion for Leave to File Motion for Reconsideration ("Boersch Declaration")

DECLARATION OF MARTHA BOERSCH
Case No. 17-cv-0939-WHA

1 and Exhibit A, attached thereto. Exhibit A to the Boersch Declaration is a true and correct copy of a
2 redacted version of the May 5, 2017 letter from Clayton Halunen to Uber (hereinafter the “Halunen
3 Letter”).

4 3. The Halunen Letter contains information that, if disclosed, could damage the safety
5 and security of Uber employees and vendors, as well as information that infringes on personal
6 privacy rights and could cause reputational harm.

7 4. The proposed additional redactions in the Halunen Letter are necessary to:

- 8 a. Protect the safety of Uber employees abroad because, absent the redactions, the
9 identity and conduct of such persons are or could be easily revealed given the
10 context (Redaction Nos. 11, 12, 13, 21);
- 11 b. Protect the safety of Uber employees abroad because, absent the redactions, the
12 nature, location, and/or timing of Uber’s activities abroad are revealed and such
13 revelation could, in context, reveal the identity of individual persons who may be
14 subjected to harm (Redaction Nos. 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20,
15 22, 23, 24, 25);
- 16 c. Protect the safety of individuals who currently or formerly worked in some
17 capacity for the United States intelligence services, as well as the identity of
18 certain United States intelligence operations (Redaction Nos. 1, 2); and
- 19 d. Protect the safety of employees of a non-party who have been subject to
20 harassment and violence in the past as a result of their activity (Redaction No. 3).

21 5. Paragraph two of the Declaration of Martha Boersch contains information that, if
22 disclosed, could damage the safety and security of employees of a non-party.

23 6. Attached hereto as Exhibit A is a true and correct copy of the redacted Halunen Letter
24 that outlines Mr. Jacobs’ proposed additional redactions, numbered sequentially, in addition to the
25 approved redactions marked by the Court at Dkt. 2307-2.

26 7. Attached hereto as Exhibit B is a true and correct copy of the unredacted Halunen
27 Letter that outlines Mr. Jacobs’ proposed additional redactions marked in red, numbered sequentially,
28 in addition to the approved redactions marked by the Court at Dkt. 2307-2.

9. Attached hereto as Exhibit D is the unredacted version of the Declaration of Martha Boersch.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 12 day of December 2017, in Oakland, California.

Martha Boersch